

Docket No. 740756-2659
Application No. 10/678,139
Page 7

REMARKS

The Examiner's Office Action of December 22, 2004 has been received and its contents reviewed. Applicants would like to thank the Examiner for the consideration given to the above-identified application.

By this Amendment, claims 7, 12 and 22 have been amended, claims 1-6 were previously cancelled, and new claim 29 has been added. Accordingly, claims 7-29 are pending for consideration, of which claims 7, 12, 17 and 22 are independent. Applicants respectfully request reconsideration and allowance of all the pending claims.

Referring now to the detailed Office Action, claims 7-11 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-5 of prior U.S. Patent No. 5,789,284. Claims 22-26 and 28 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 6-10 of prior U.S. Patent No. 5,789,284. Also, claims 12-21 and 29 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. No. 5,789,284. In view of the amendments to the claims above, Applicants respectfully traverse these rejections.

With respect to the 35 U.S.C. § 101 rejection of claims 7-11 and claims 22-26 and 28, Applicants have amended independent claims 7 and 22 to recite "forming of the metal element diffusion film increasing a defect density of the metal element diffusion film." Support for this amendment can be found, for example, in Summary of the Invention (column 3, lines 36-40 of U.S. Patent No. 6,071,744, on which this reissue application is based). Support for the amendment can also be found in Embodiment 8 of the specification. Also, claim 7 has been amended to recite forming a metal element diffusion film comprising a semiconductor over the crystallized semiconductor film. Applicants respectfully submit that the claims of U.S. Patent No. 5,789,284 do not disclose the above-noted features now set forth in the claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

With regard to the obviousness-type double patenting rejection of claims 12-21, Applicants have amended independent claims 12 and 17 to recite "forming of the metal element diffusion film increasing a defect density of the metal element diffusion film." Also, claims 12 and 17 have been amended to recite forming a metal element diffusion film comprising a semiconductor over the crystallized semiconductor film. Applicants

W648126.1

ORIGINAL COPY

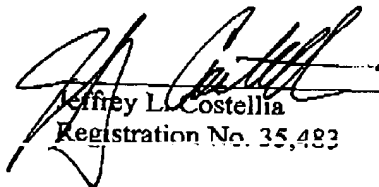
Docket No. 740756-2659
Application No. 10/678,139
Page 8

respectfully submit that the claims of U.S. Patent No. 5,789,284 does not disclose the above-noted features now set forth in the claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

In view of the amendments and arguments set forth above, Applicants respectfully request reconsideration and withdrawal of all the pending rejections.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,


Jeffrey L. Costellia
Registration No. 35,483

NIXON PEABODY LLP
Suite 900, 401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000
JLC/BCO

Best Available Copy

W648126.1